

Extended School Year Services



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1. What is an extended school year (ESY)?

Extended school year services are special education and related services that are provided to a student with a disability beyond the normal 180-day school year. Extended school year services are provided to maintain identified skills and to prevent or avoid substantial loss of previously acquired or emerging skills or behaviors.

For most students with disabilities in Montana, the normal school year is sufficient to ensure free appropriate public education (FAPE). In some cases, those 180 days of special education and related services are not sufficient. If the Individualized Education Program (IEP) team decides that the student needs more than 180 days of instruction to receive a FAPE, then ESY is appropriate.

Federal regulations require each school district to ensure that ESY services are available as necessary to provide students qualified under the Individuals with Disabilities in Education Act (IDEA) with a FAPE. A school district may not limit extended school year services to particular categories of disability, or unilaterally limit the type, amount, or duration of those services. The ESY services must be provided at no cost to the parents of the child.

The school district is not required to provide a summer school or other non-ESY services if such services are not available to other non-disabled students.

2. Must every IEP consider the need for ESY services?

Yes.

3. Who determines if ESY services are necessary for a student with disabilities?

The student's IEP team shall decide annually whether ESY services are necessary for a student. If a student turns 3 years old during the summer, the student's IEP team shall decide whether the student needs ESY services during that summer in order to benefit from a FAPE. If, at that initial IEP meeting, the IEP team determines that the preschool-age student does not need ESY services, the IEP team shall identify the date of initiation of services as the first day of the school year.

4. What criteria may be used to determine whether ESY services are necessary for a student with a disability?

If the student is making reasonable progress toward accomplishment of his or her IEP goals, ESY services may not be necessary. The IEP team shall determine on an individual basis that ESY services are necessary to avoid a loss of skills that the student could not otherwise regain within a reasonable period of time. The basic standard for this determination is regression/recoupment analysis. This analysis compares the amount of a student's regression as a result of an interruption in education services with the amount of time required to regain the prior level of skill.

The IEP team may use a variety of factors to help it determine whether regression/recoupment of skills requires ESY services :

- the nature and severity of the student's disability;
- the ability of the student's parents to provide educational structure in the home;
- behavioral and physical impairments;
- the ability of the student to interact with peers;
- the student's vocational needs;
- the availability of alternative resources; and
- whether there are “emerging skills” and “breakthrough opportunities,” as when a student is on the brink of learning to read.

A family's need for child care is not a factor the IEP team must consider regarding ESY.

5. What information may be used in making the determination of need for extended school year services?

The IEP team's evaluation of student progress, as reported to parents on a regular basis, is crucial to determining the need for an ESY. The IEP team may use records of ongoing assessment of the IEP goals and objectives as they relate to regression and recoupment of a student's progress. Work samples, test results, report cards, homework, progress reports and parent observations are examples of typical information used when determining eligibility for ESY services.

Schedules for collecting data about a student's progress that may be helpful to the IEP team in providing essential information in determining ESY eligibility and services needed are:

- at the end of the summer program/ESY;
- at the beginning of the school year;
- at the end of the first six weeks of the school year;
- at the end of the school year;
- before and after school vacations;
- an ongoing collection of information throughout the school year; and
- before/after student has been out of school for other reasons.

6. May an IEP team require evidence of prior regression with slow recoupment before providing a student with ESY services?

No. The IEP team may consider information that would indicate the likelihood of regression based on individual student factors such as those cited in number four above.

7. Must all the special education and related services in the student's IEP be provided during an ESY?

No. The ESY services may differ from the regular school year IEP and placement. When a student is determined to need ESY services, the IEP team will determine which services need

to be provided through the IEP process. The ESY services will address measurable annual goals and short-term objectives or benchmarks in the current IEP related to regression/recoupment.

8. Is it possible for a student to receive only a related service as part of an ESY program?

Yes. Related services may be provided as a sole ESY service when necessary for a student to benefit from the special education program.

9. Must a full continuum of placements be maintained during an ESY program?

No. The public agency is required to make available an appropriate placement that implements the student's ESY program. Because ESY services are provided during a period of time when the full continuum of alternative placements is not normally available for any student, the public agency is not required to maintain a full continuum of placements.

10. What if there is disagreement regarding the IEP team's decision about the student's need for ESY services?

Parents and schools may agree to seek mediation. If they cannot agree, either can request an IDEA due process hearing. More information about mediation or a due process hearing can be obtained by contacting OPI's Early Assistance Program at 444-5664.

11. How does an IEP team consider the need for ESY services during an initial evaluation of a preschool-age student enrolled with an early intervention or child and family service agency?

As part of its evaluation, the IEP team may consider the student's progress throughout early intervention services provided prior to an initial IEP. The IEP team may also consider the results of concurrent, ongoing interventions conducted by qualified personnel, specifically "child-focused" services supported by a child and family service provider agency. The intensity of child-focused services, i.e., the number of hours per week the student receives individualized intervention or therapy from qualified personnel, should be a factor the IEP team considers in an initial IEP. An IEP team should request the family support specialist to send written progress reports, evaluations, and other information to the IEP team regarding the student's non-school services and performance that may be relevant to the evaluation of student progress.

The IEP team is not required to consider the results of family-focused services, child-care arrangements, and other placements that enhance the student's development. While a parent may invite an individual to share information and otherwise participate in meetings to develop an IEP, it is the IEP team that determines a FAPE and the need for ESY services.

12. How should ESY services be documented in the student's IEP?

The IEP team must first identify that it has determined that ESY services are necessary.

EXTENDED SCHOOL YEAR	
<input checked="" type="checkbox"/>	Extended School Year services <u>are necessary</u> for the student.
<input type="checkbox"/>	Extended School Year services <u>are not necessary</u> for the student.
<input type="checkbox"/>	In order to make this determination, the IEP team needs to collect additional data and meet again by: _____

The IEP team can then identify the short-term objectives to be addressed during the extended school year:

Benchmarks or Short-Term Objectives: These provide a reference point for progress toward the annual goal. (Mark <input checked="" type="checkbox"/> only if the benchmark or short-term objective will be part of an Extended School Year service.)	ESY
	<input type="checkbox"/>

If necessary, the IEP team can complete the following portion of the IEP form to identify only those services that are to be provided during the extended school year.

SPECIAL EDUCATION AND RELATED SERVICES				
Special Education and Related Service	Hours per week in Special Education Setting	Special Education Hours per week in General Education Setting	Total Hours per week	Dates of Service (if different from Duration of IEP)
Total Hours:				

The IEP Minutes page can also be used to record information relevant to the extended school year.

CFR 300.309 Extended school year services.

(a) General.

- (1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.
- (2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child.
- (3) In implementing the requirements of this section, a public agency may not—
 - (i) Limit extended school year services to particular categories of disability; or
 - (ii) Unilaterally limit the type, amount, or duration of those services.

(b) Definition. As used in this section, the term **extended school year services** means special education and related services that—

- (1) Are provided to a child with a disability—
 - (i) Beyond the normal school year of the public agency;
 - (ii) In accordance with the child's IEP; and
 - (iii) At no cost to the parents of the child; and
- (2) Meet the standards of the SEA.

Technical Assistance guides are developed by the Division of Special Education to provide guidance to schools, parents and advocates regarding eligibility for and the implementation of services to students with disabilities under the Individuals with Disabilities Education Act, the Administrative Rules of Montana, and Montana statutes.

This document contains recommended practices and procedures that may enhance the services to children and youth with disabilities. All policy statements regarding the delivery of special education and related services are contained in the current *Montana State Plan Under the Individuals with Disabilities Education Act*.

If you have questions regarding the Extended School Year process after reviewing this guide, please contact the Division of Special Education at 444-5661.

Comments, additional questions or suggestions regarding this guide may be sent to:

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or

ESY Guide Changes
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Please visit our website at:

www.opi.state.mt.us/SpecEd/